

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NATHANIEL CAYLOR, et al.,

Plaintiffs,

v.

CITY OF SEATTLE, et al.,

Defendants.

CASE NO. C11-1217RAJ

ORDER

This matter comes before the court on Plaintiffs' motion for reconsideration of the court's May 23 order staying this matter pending the resolution of Defendants' interlocutory appeals. The court DENIES the motion. Dkt. # 151.

Plaintiffs insist that the interlocutory appeals are frivolous both because Defendants intend to dispute the court's factual findings and because the legal arguments the Defendants raise are frivolous. The court's prior orders demonstrate that the court has endeavored to ensure that the Defendants will not dispute factual findings on appeal. It will not revisit that issue. Plaintiffs will have ample opportunity on appeal to ensure that Defendants properly raise legal disputes and not factual disputes. As to the legal disputes, although the court plainly disagrees with Defendants' positions on some questions of law (as it explained in its April 30 order on their summary judgment motions), it does not find that Defendants' legal positions are frivolous.

1 Plaintiffs' request that the court sanction Defendants for statements they made in  
2 their appellate mediation statements, however, is frivolous. The Ninth Circuit's  
3 mediation program is a valuable opportunity to explore global resolution of disputes.  
4 Plaintiffs offer nothing to support the notion that a party is bound, in mediation, to raise  
5 only those issues that are properly appealable.

6 Finally, the court reaffirms its decision not to enter an appealable judgment, via  
7 Federal Rule of Civil Procedure 54(b), its grant of summary judgment as to Plaintiffs'  
8 *Monell* claim against the City of Seattle.

9 Dated this 26th day of June, 2013.

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13 The Honorable Richard A. Jones  
14 United States District Court Judge  
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